

DOCKET NO. 4014.1074 US

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

In re Application of: Yat Sun Or

Application No.: 10/763,377

Filed: January 23, 2004

Confirmation No.: 7571

For: Bridged Macrocyclic Compounds and Processes for the Preparation Thereof

The owner, Enanta Pharmaceuticals, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior U.S. Patent Numbers 6,878,691, 6,764,998 and 6,645,941 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents are presently shortened by any terminal disclaimer," in the event that said prior patents later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 37,567



Signature

Carolyn S. Elmore

Typed or printed name

3/20/06

Date

(978)251-3509

Telephone Number

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

03/21/2006 HVUONG1 00000031 502807 10763377

03 FC:2814 65.00 DA